

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALGERIA LONG LEAP ASSET HOLDINGS,
LLC,

Plaintiff,

-v.-

BANQUE DE L'AGRICULTURE ET DU
DEVELOPMENT RURAL et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 12/28/2023

23 Misc. 486 (JHR)

ORDER

JENNIFER H. REARDEN, District Judge:

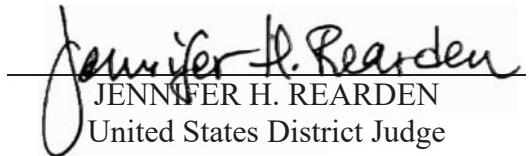
Plaintiff Algeria Long Leap Asset Holdings, LLC attempted to initiate this action by filing a motion for summary judgment in lieu of a complaint. ECF No. 1. Pursuant to the Federal Rules of Civil Procedure, a “civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. Although New York’s Civil Practice Law and Rules permit a plaintiff in certain instances to “serve with the summons a notice of motion for summary judgment and the supporting papers in lieu of a complaint,” *see* N.Y. C.P.L.R. 3213, Plaintiff “must follow the Federal Rules of Civil Procedure and cannot substitute New York State’s rules for the conduct of proceedings in its state courts.” *PaineWebber Inc. v. Nwogugu*, No. 98 CIV. 2441 (DLC), 1998 WL 524900, at *1 n.3 (S.D.N.Y. Aug. 21, 1998).

ORDERED that this action is dismissed for failure to comply with Rule 3 of the Federal Rules of Civil Procedure. Plaintiff may commence a new civil action in accordance with the Federal Rules of Civil Procedure and the S.D.N.Y. Electronic Case Filing Rules & Instructions. Plaintiff is referred to the ECF Help Desk and/or the Civil Case Opening Unit of the Clerk’s Office for procedural assistance.

The Clerk of Court is directed to terminate ECF No. 1 and to close this case.

SO ORDERED.

Dated: December 28, 2023
New York, New York



JENNIFER H. REARDEN
United States District Judge